

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALEXANDER GONZALAS,

Plaintiff(s),

vs.

GEORDAN LOGAN, et al.,

Defendant(s).

Case No. 2:16-cv-02273-JAD-NJK

REPORT AND
RECOMMENDATION

On September 27, 2016, Plaintiff filed an application to proceed *in forma pauperis*, as well as a complaint. Docket No. 1. On October 5, 2016, the Court denied Plaintiff's application to proceed *in forma pauperis* without prejudice because his financial certificate contained incorrect numbers, as compared to his inmate trust account statement. Docket No. 2. at 1. The Court ordered Plaintiff to file a renewed application to proceed *in forma pauperis* that corrected this deficiency, no later than November 4, 2016. *Id.* at 2. On October 27, 2016, Plaintiff filed a renewed application to proceed *in forma pauperis*. Docket No. 3. On October 31, 2016, the Court denied Plaintiff's renewed application to proceed *in forma pauperis* without prejudice because it was incomplete and failed to correct the deficiency identified in the Court's October 5, 2016 order. Docket No. 4 at 1. The Court ordered Plaintiff to file a renewed application to proceed *in forma pauperis* no later than November 30, 2016. *Id.* at 2. The Court noted that if Plaintiff failed to file a renewed application by the deadline, the Court would recommend dismissal of the instant case. *Id.* To date, no renewed application to proceed *in forma pauperis* has been filed. *See* Docket.

1 Accordingly, it is **RECOMMENDED** that this case be dismissed without prejudice. *See*
2 Fed. R. Civ. P. 16(f); *see also* LR IA 11-8(d).

3 IT IS SO ORDERED.

4 Dated: December 14, 2016

5 
6 NANCY J. KOPPE
United States Magistrate Judge

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8 **NOTICE**

9 Pursuant to Local Rule IB 3-2 **any objection to this Report and Recommendation must**
10 **be in writing and filed with the Clerk of the Court within 14 days of service of this document.**

11 The Supreme Court has held that the courts of appeal may determine that an appeal has been waived
12 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142
13 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2)
14 failure to properly address and brief the objectionable issues waives the right to appeal the District
15 Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951
16 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir.
17 1983).